MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

JUNE 4, 2013

INVOCATION:
Lieutenant Paul Swain of the Salvation Army gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER
Mayor Patino called the meeting to order at 6:34 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino.

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Director of Community Development Appel, Police Chief Martin, Fire Chief Orr, Director of Utilities Sweet, Director of Public Works/City Engineer Whitehead, Director of Administrative Services Visé, Senior Assistant City Attorney/Utilities Counsel Stockton, Deputy City Manager Barnhard, Deputy City Manager Lara, Recreation Services Manager Reyburn, and Chief Deputy City Clerk Garietz.

1. PROCLAMATIONS/PRESENTATIONS:

A. CERTIFICATES OF RECOGNITION
Councilmember Orach presented Certificates of Recognition to Kim KaKuk and Greg Parker honoring them for their actions in extinguishing a vehicle fire and protecting onlookers.

B. PROCLAMATION – LAW ENFORCEMENT TORCH RUN FOR SPECIAL OLYMPICS WEEK
Councilmember Green read a proclamation declaring June 2 – 8, 2013, as Law Enforcement Torch Run for Special Olympics Week in the City of Santa Maria and encouraged residents to recognize and support the law enforcement officers from the City of Santa Maria for their efforts in support of the Special Olympic Athletes in the community. The Proclamation was accepted by Rudy Gutierrez, Operations Coordinator for the Law Enforcement Torch Run to support the Special Olympics.

2. PUBLIC COMMENT:
Mark Rademaker spoke about his religious beliefs.

Ann Jutras and Rebecca Romero spoke favorably about the character of Anjanette Ordonez.

Rebecca Romero spoke about the City accepting arbitration in the Anjanette Ordonez matter.

Jose Castellanos, representing LULAC, spoke about a gang workshop their organization hosted. He indicated that several representatives came up from Oxnard to speak and share their experiences. He thanked Councilmember Zuniga for attending the event..

Tim Sutcliffe, representing the Santa Maria Police Officers' Association, spoke about the appeal of the employee-requested public session and the arbitration process. He indicated that binding arbitration should be implemented.

Tom Radzyminski, representing the Santa Maria Police Officers' Association, spoke about how the members of the association pay for their legal services and about their repeated requests to City management for binding arbitration.

Andrew Dawson, attorney for the Santa Maria Police Officers' Association and Anjanette Ordonez, spoke about Mayor Patino making defamatory statements to the Santa Maria Times about his law firm. He indicated that those statements show bias; and that if she made that statement, she should recuse herself from voting on the appeal.

Tony Thompson spoke about Area 9 oil drilling on agricultural land.

Harold Johnson spoke about fracking in Santa Maria. He also indicated that he had read about the termination of Ms. Ordonez, and came to the meeting to find out the facts.

Walter Taylor spoke about Area 9 and requested that the City Council instruct staff to provide a written and oral status on the Area 9 project, and make it available in the City Clerk's Office, the Library, and on the City's website.

Toru Miyoshi spoke about the article in the Santa Maria Times, and the comments made by Mayor Patino in the article about the law firm representing the terminated employee.

CONSENT CALENDAR:
Councilmember Zuniga requested that Items 3F and 3H be pulled for comment.

Item 3F – Measure "A" Five-Year Local Program of Projects
Councilmember Zuniga asked for an explanation on certain line items.

Director of Public Works/Engineering provided an explanation for those items.

Item 3H – Agreement for Community Garden Agribusiness Program
Councilmember Zuniga commented that she was excited about these partnerships. She asked about the City's match-portion of the funds required and about the distance of the gardens from their previous location. She asked whether transportation could be provided.

Business Services Manager Teresa Reyburn responded that transportation was a possibility, and that additional locations were being examined for possible future community gardens as well.

Consent Calendar Items 3A through 3I were approved on motion by Councilmember Orach, seconded by Councilmember Green, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES.
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES.
The Minutes of the Regular City Council Meeting of April 16, 2013, were approved as submitted.

C. 2013 INVESTMENT POLICY
Resolution No. 2013-50 was adopted approving the City of Santa Maria's 2013 Investment Policy and delegating the authority for implementing the Investment Policy and oversight responsibility to the City's Investment Officer.

Resolution No. 2013-50 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE 2013 INVESTMENT POLICY AND DELEGATE THE AUTHORITY FOR IMPLEMENTING THE INVESTMENT POLICY AND OVERSIGHT RESPONSIBILITY TO THE CITY'S INVESTMENT OFFICER.

D. WARRANTS.
Warrant Nos. 179652 to 179942 totaling $2,302,889.56 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 175495, 175548, 176272, 178611, and 179474 were cancelled.

E. PAYROLL.
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. MEASURE A FIVE-YEAR LOCAL PROGRAM OF PROJECTS.
Resolution No. 2013-51 was adopted approving the Measure A Five-Year Local Program of Projects for fiscal year 2013-14 through fiscal year 2017-18 and certifying that the City of Santa Maria will provide sufficient funding in the 2013-14 budget to meet the Measure A Maintenance of Effort (MOE) requirement.

Resolution No. 2013-51 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE MEASURE A FIVE-YEAR LOCAL PROGRAM OF PROJECTS FOR FISCAL YEAR 2013-14 THROUGH FISCAL YEAR 2017-18.

G. CALL FOR BIDS
The City Council granted approval to call for bids on the plans and specification for Santa Maria Police Department Tenant Improvements, Bid No. 2013/05.

H. SUB-RECIPIENT GRANT AGREEMENT.
Resolution No. 2013-52 was adopted ratifying a United States Department of Agriculture – National Food Institute and Agriculture (USDA-NFIA) sub-recipient grant agreement between the City of Santa Maria Recreation and Parks Department (City) and Allan Hancock College (AHC) to create a community garden agribusiness program.

Resolution No. 2013-52 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RATIFYING A SUB-RECIPIENT GRANT AGREEMENT BETWEEN CITY OF SANTA MARIA AND ALLAN HANCOCK COLLEGE REGARDING UNITED STATES DEPARTMENT OF AGRICULTURAL FUNDING FOR THE COMMUNITY GARDEN AGRIBUSINESS PROGRAM.

I. FEES CHARGED TO ACTIVE MILITARY PERSONNEL
Resolution No. 2013-53 was adopted approving a recommendation of the Recreation and Parks Commission to extend City resident rates to active military and their families for the use of parks, facilities, and recreational programs.

Resolution No. 2013-53 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, EXTENDING CITY RESIDENT RATES TO ACTIVE MILITARY AND THEIR FAMILIES FOR THE USE OF PARKS, FACILITIES AND RECREATIONAL PROGRAMS.

4. GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR SANTA MARIA AREA TRANSIT (SMAT) BUS YARD EXPANSION, 1301 FAIRWAY DRIVE AND 2641 AIRPARK DRIVE, GPZ-2011-004, U-2012-0042 (PR), E-2011-048 (0.67 ACRES). The City Council was asked to consider a recommendation from the Planning Commission to adopt a resolution to authorize the filing of a Mitigated Negative Declaration, E-2011-048, for the Santa Maria Area Transit (SMAT) Bus Yard Expansion project; GPZ-2011-004 and U-2012-0042 (PR); adopt a resolution to amend the General Plan (Land Use Policy Map) land use designation of 0.67 acres (identified as Area A, SMAT bus yard expansion site) from LI (Light Industrial) to CF (Community Facilities), AND of approximately 2.75 acres (identified as Area B, abandoned Flood Control District drainage easement site) from COS (Conservation Open Space) to LI (Light Industrial); and introduce an ordinance rezoning the 0.67 acre site (identified as Area A, SMAT bus yard expansion site) from PD/M-1 (Planned Development/Light Manufacturing) to PF (Public Facilities), AND the approximately 2.75 acres (identified as Area B, abandoned Flood Control District drainage easement site) from OS (Open Space) to PD/M-1 (Planned Development/Light Manufacturing).

Director of Community Development Appel gave a presentation as detailed in the written Council Agenda Report. On May 1, 2013, the Planning Commission adopted Resolution Nos. 2622 and 2623 on a 5-0 vote recommending that the City Council approve the Mitigated Negative Declaration and the General Plan amendment and zone change for the SMAT bus yard expansion site and project. As a secondary "clean-up" measure (not affiliated with the SMAT project), another area was included in this General Plan land use amendment and zone change request. The second area would change the General Plan land use and zoning designations to reflect the existing and future uses on an abandoned Santa Barbara County Flood Control District easement.

Written Communications
Chief Deputy City Clerk Garietz announced that no written communications were received.

Public Hearing
Mayor Patino opened the Public Hearing at 7:30 p.m.

There being no requests to speak, Mayor Patino closed the Public Hearing at 7:31p.m.

Councilmember Discussion
Councilmember Boysen asked about the abandonment of the Flood Control District drainage easements.

Director of Community Development Appel stated that the drainage easement had been redirected and that the City had nothing to do with the abandonment of the drainage easements which was done years ago by the County Flood Control District.

Councilmember Zuniga asked about the possibility of utilizing the abandoned flood control drainage easements for community gardens, instead of development.

Director of Community Development Appel replied that the property was privately owned, so the City could not use it for that purpose.

Resolution No. 2013-54 was adopted approving the Mitigated Negative Declaration, E-2011-048, for the Santa Maria Area Transit (SMAT) Bus Yard Expansion, 1301 Fairway Drive and 2641 Airpark Drive on motion by Councilmember Orach, seconded by Councilmember Green, and carried on the following vote:

AYES: Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2013-54 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE MITIGATED NEGATIVE DECLARATION, E-2011-048 FOR THE SANTA MARIA AREA TRANSIT (SMAT) BUS YARD EXPANSION, GPZ-2011-004, U-2012-0042 (PR), 1301 FAIRWAY DRIVE AND 2641 AIRPARK DRIVE, ASSESSOR'S PARCEL NO. 111-580-008 AND PORTIONS OF ASSESSOR'S PARCEL NOS. 111-231-001, 111-231-002, 111-430-003 AND 111-430-011.

Resolution No. 2013-55 was adopted approving a General Plan (Land Use) Amendment for the SMAT Bus Yard Expansion, GPZ-2011-004, U-2012-0042 on motion by Councilmember Orach, seconded by Councilmember Green, and carried on the following vote:

AYES: Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2013-55 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A GENERAL PLAN (LAND USE) AMENDMENT FOR THE SANTA MARIA AREA TRANSIT BUS YARD EXPANSION, GPZ-2011-004, U-2012-0042 (PR), LOCATED AT 1301 FAIRWAY DRIVE AND 2641 AIRPARK DRIVE, ASSESSOR'S PARCEL NO. 111-580-008 AND PORTIONS OF ASSESSOR'S PARCEL NOS. 111-231-001, 111-231-002, 111-430-003 AND 111-430-011.

Ordinance No. 2013-05 to be introduced by title only for first reading and continued to the next meeting for second reading and adoption amending the Official Zoning Map for the properties located at 1301 Fairway Drive and 2641 Airpark Drive on motion by Councilmember Orach, seconded by Councilmember Green, and carried on the following vote:

AYES: Councilmembers Boysen, Green, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2013-05 introduced. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP, GPZ-2011-004, E-2011-048, FOR PROPERTIES LOCATED AT 1301 FAIRWAY DRIVE AND 2641 AIRPARK DRIVE.

REGULAR BUSINESS:

EMPLOYEE-REQUESTED PUBLIC SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957. The City Council considered an employee's appeal of discipline imposed by the City Manager. The matter was continued from a Closed Session on May 21, 2013. Senior Assistant City Attorney/Utilities Counsel Stockton provided a brief introduction of the item. Senior Assistant City Attorney/Utilities Counsel Stockton explained that this item was an appeal to the City Manager's decision imposing discipline. The appellant requested a continuation of this matter to be made in a public session.

Senior Assistant City Attorney/Utilities Counsel Stockton asked each member of the Council whether he or she was prepared and able to render an independent and impartial decision on the matter based on the evidence in the record.

The Mayor and each Councilmember responded and indicated "yes."

Senior Assistant City Attorney/Utilities Counsel Stockton provided a brief explanation of her role as the only attorney providing legal counsel to the City Council regarding this matter. By contrast, the City Attorney's role has been strictly limited to advising the Department as an advocate. An ethical wall separates the attorneys in the City Attorney's Office in this matter. Ms. Stockton has not discussed this matter with the City Attorney. She stated that she has not had any information regarding this matter prior to the appeal process and has received the same information that Council had received, at the same time the Council received it. She stated that any communication she has had with Councilmembers has been confidential. The City Attorney has not exercised any supervision over Ms. Stockton in this matter.

Council deliberations
Mayor Patino explained that the matter was a continuation of an appeal by the employee, and was being conducted in open session at the employee's request.

Mayor Patino opened the item for Council discussion.

Councilmember Orach made a motion to uphold the City Manager's decision based on Item No. 32 of the Administrative Record, the testimony at the internal affairs hearing, the testimony at the arbitrator's hearing, and as established by a preponderance of evidence that appellant violated the City Manager's expectation of employees as stated in Document No. 12 and No. 27 of the Administrative Record and to continue this item to the City Council Meeting of July 2, 2013, for the preparation and adoption of findings and the final decision. Councilmember Green seconded the motion.

Hearing a motion and a second, Mayor Patino opened it up for Council discussion. Hearing no further Council discussion, the motion was adopted on the following vote:

AYES:	Councilmembers Green, Orach, and Mayor Patino
NOES:	Councilmembers Boysen and Zuniga
ABSENT:	None
ABSTAIN:	None

CITY MANAGER'S REPORT
City Manager Haydon reported on items anticipated for the June 18, 2013, City Council Meeting to include a Joint-Use Agreement for the City Library; the second reading of the SMAT Yard General Plan Amendment; a Call for Bids for the Chip Seal Project and for the Street Overlay Project; a Public Hearing for the Fallas Planned Development Permit Application and a possible Moratorium Urgency and Permanent Ordinance; and the mid-cycle budget review for 2013-14.

ORAL REPORTS BY COUNCILMEMBERS REGARDING AB1234
Councilmember Boysen asked about the mid-cycle budget review and if the Council would be receiving the report prior to receiving the agenda packet for review.

City Manager Haydon responded that staff was hoping to have a report by the end of this week. He stated that the General Fund was basically where they had anticipated it would be from a year ago with the exception of the elimination of the Redevelopment Agency and the impact that has had. The Enterprise Funds were status-quo budget. In the Capital Fund, the recommendation from staff will be that an increase to the appropriations be made to address the cost associated with the new Police Facility's tenant improvements construction costs.

Councilmember Boysen reported that he attended a CCWA Board meeting, and spoke about items coming up before the Board of Supervisors regarding extending the State Water Agreement beyond the current time-frame of 2035. The issue was important because it would affect the $14 billion State bond issue for the construction of a water pipeline to go under the delta. Since there was a 60 percent chance of having an earthquake in the next 50 years that could destroy the delta, it makes the extension of the water agreement vital to allow the funding for the construction of the pipeline.

Councilmember Green reported he had an orientation with the Recreation and Parks Department, toured the Wastewater Treatment Plant, met with Urban Planning Concepts to get an overview of the various construction projects being planned, and attended the Police Department Badge Pinning Ceremony.

Councilmember Orach reported that he attended the Police Department Badge Pinning Ceremony, the Elk's Rodeo Parade, and the Santa Maria Police Council annual Golf Tournament Fundraiser.

Councilmember Zuniga reported that she attended the Strawberry Grower's Association Scholarship Awards Dinner at the Santa Maria Inn, the Police Awards Ceremony at the Elks, and the LULAC Youth Anti-Gang Drug Forum. She also thanked the Recreation and Parks Department for cleaning up the sidewalks in the north end of town.

Mayor Patino reported that she attended the Strawberry Grower's Association Scholarship Awards Dinner, the Pioneer Valley FFA awards, the Santa Barbara Foundation awards ceremony, the Memorial Day Service at the cemetery, the Mini Rodeo, the Santa Maria High School Awards Ceremony, the West Coast Custom Car Show dinner, and the Police Council Dinner.

ADJOURNMENT:
There being no further business to come before the City Council at this time, Mayor Patino declared the meeting of the City Council adjourned at 7:53 p.m.

APPROVED

June 18, 2013
Date

Rhonda M. Garietz
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Alice M. Patino
Mayor of the City of Santa Maria

ATTEST

Rhonda M. Garietz, CMC
Chief Deputy City Clerk